

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6016 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

DHIRAJLAL VALLABHDAS JOSHI

Appearance:

MR HS MUNSHAW for Petitioner
MR PH PATHAK for Respondent No. 1
SERVED for Respondent No. 2
MR DA BAMBHANIA for Respondent No. 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 23/12/97

ORAL JUDGEMENT

1. Challenge has been made by the petitioner-Corporation in this special civil application to the order of the controlling authority passed under the Payment of Gratuity Act, 1972, and the order of the appellate authority confirming the order of the controlling authority.

2. In this case, the controlling authority found that the respondent-workman is entitled to the gratuity amount of Rs.31966/- and not Rs.27314/- as determined by the petitioner-Corporation.

3. The learned counsel for the petitioner contended that both the authorities below have committed serious illegality in not taking into consideration the fact that the period of leave not decided could not be taken for the purpose of calculating the qualifying services of the respondent-workman for gratuity. However, the learned counsel for the petitioner fairly submitted that the Corporation has not produced any evidence before the authorities that the leave for the period during which the workman was ordered to be remained on leave was not due in his account. Similarly, for the period of alleged retrenchment of the respondent-workman no documentary evidence has been produced by the petitioner before the controlling authority as admitted by the counsel for the petitioner. In the absence of the documentary evidence, I do not find any ground to interfere with the orders passed by the authorities below. No illegality whatsoever has been committed by the authorities below in passing of the orders impugned in this special civil application which calls for interference of this Court sitting under Article 226 or 227 of the Constitution of India.

4. In the result, this special civil application is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated.